G. R. S. App. F. IX-4]

Previous References.

194 2-

(Pols)

File No. 2-42

Serial Nos. 3

Later References.

Pris 79-42(1-2)
Pol 16-43 (4)
" 52-55-4
Cl. 63-56-(1)

Precedent

PRESERVED

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1

Part B for

SUBJECT.

Recommendation No. 123 of the Prison Reforms Committee regarding Corporal punishment in Jails.

21/9/42

App. F. IX-4

Previous References

1934.
(R M)

R M **File No.** 1-34

Serial Nos. 970

Later References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. two

Part B for January 1934

SUBJECT.

Re remission of half water assessment in respect of certain shops of Nugathihalli Village Chick Ballapur Taluk

R/o to Hon. Rev. Cmr
in Dy Cmr Kolar &
no R 3150-34 dated 22. 1. 35

WD 01965—GPB—15,000—7-7-34

Sanctions in above

Recommendation No. 123 of the Prison Reforms Committee re Corporal punishment

General and Revenue Secretariat | Pers File No. 2 of 194 2 | [App. F. III—2

Serial No.

CORPORAL PUNISHMENT.

The Prison Reforms Committee deal with the problem of corporal punishment in paras 14 to 25 of Chapter V of their report. Rule 237 of the Mysore Jail Manual, which provides for this form of punishment for prison offences, is identical in terms with the corresponding rules which prevailed in British India more than two decades ago and which were subsequently modified as a result of the investigations of the Indian Jails Committee in 1920. These later modifications, however, have not been adopted in Mysore.

Rule 304 of Madras annals 1915. Ed.

The Prison Reforms Committee point out that Rule 287 is defective in two respects as compared with the rules now in force in British India, viz.:-

1) that flogging may be inflicted in Mysore for any prison offence, at the discretion of the Superintendent, while in British India it is confined only to certain grave offences, such as mutiny or incitement to mutiny and serious assault on any public servant or visitor; and

2) that there is no safeguard in Mysore against a mis-use of this punishment in the form of requiring the Superintendent to report cases of flogging to the higher authorities, while in British India a special report of every case of flogging is required

NOTE—Contn. Sheet.

to

WD 04155—GPB—55,000—23-10-41

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to be promptly submitted to the Inspector General of Prisons.

The Committee next proceed to a consideration of the nature of the punishment and the psychological, moral and deterrent effects of its infliction on the prisoner concerned as well as on the other inmates of the prison and the prison officials. The position is summed up by the Committee as follows :-

" There is much evidence to suggest that flogging is a brutalizing form of punishment. There is reason to think that, far from acting as a deterrent, it acts in a contrary sense on the person flogged. There are many instances of men once flogged committing similar offences again. On the other hand, a reduction in its use in the past has been accompanied in other countries, not by an increase, but by a decrease in the offences for which it was formerly inflicted. This decrease is largely due to the relaxation of rigid discipline, the improvement of relations between prisoners and the prison staff with the advent of a better type of Officers, and a decided change of emphasis in prison regime from degradation and punishment to training and reformation."

The Committee finally conclude that it is

futile

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futile to think of waiting patiently for a time to come when the character of the inmates of our prisons will change sufficiently to allow of corporal punishment being dispensed with as a disciplinary penalty, and recommend that the best policy from all points of view is to abolish corporal punishment once for all, in full confidence that such a course can have none but beneficial results.

The Inspector General of Prisons is also in favour of its abolition.*

Flag V.

Flogging has been one of the most universally practised methods of punishing public crimes ever since the Mosaic Code. It is still frequently employed, being legal in Delaware, Canada, Great Britain and some Continental and Asiatic countries as a punishment for certain crimes, chiefly assault, robbery and rape. As late as 1920 the British Parliament legalised the use of Cat-O-nine-tails in flogging those convicted of robbery. Even where flogging is forbidden as a method of punishing criminals, its use is often continued within prisons as a method of enforcing prison discipline. (Encyclopaedia Brittanica - Volume (9), page 385).

Corporal punishment may be inflicted in Mysore, as in British India, both as a judicial sentence, and for the commission of acts constituting prison offences

NOTE—Contn. Sheet.

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offences under the provisions of the Jail Manual. The number of cases in which flogging was resorted to in the State Jails from 1937 was as follows :-

Year.	Total No. of offences.	No. of cases where corporal punishment was awarded.	Percentage.
1937	348.	35.	10
1938.	423.	7	1.65
1939.	279.	10	3,5
1940.	549.	59	10.7

The reasons urged for the abolition of flogging are in the main that it is brutal in character and that it has not the deterrent effects which its advocates claim for it, reasons which are by no means conclusive. It may well be urged on the other side that the so-called "brutal character" is not a peculiarity of flogging alone, but of every form of punishment, and that it would perhaps baffle the wits of man to devise a form of punishment which would not be so regarded. If flogging is regard as "brutal", the same may be said of alternative punishments of suitable severity available to the prison authorities, such as cellular confinement or penal diet, which are open to equally serious objections. It may even be said that it is more humane to subject a person

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to a few strokes of the birch than to keep him on starvation diet for a week. As regards the deterrent effect of flogging, while it may be true that it may serve no useful purpose no hardened criminals, it cannot be said for a certainty that it has no effect whatsoever on weaker natures who form a larger proportion of the prison population than hardened criminals.

The question cannot be decided, moreover, on general humanitarian and sentimental grounds alone, but expediency also has to be taken into consideration. The prison officials, past and present, whom the Committee had occasion to question, have expressed their conviction that, while the infliction of corporal punishment should be limited to serious cases of mutiny and violent assaults on officers, it should not be entirely abolished. (Paras 19) Similarly the almost unanimous opinion of all the provincial prison officials who appeared before the Indian Jails Committee was against its abolition. One prison officer, Lt. Col. F. A. Barker observed on this matter:- " Corporal punishment has been abolished in Saxony and Belgium, without (it is stated) any loss of discipline in the prisons. Nevertheless, those countries that retain the power to use it are, in the writer's opinion, wise; for

NOTE—Contn. Sheet.

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for there are still certain crimes committed outside prisons as much as within that are best dealt with by this form of summary punishment." (Lt. Col. F.A. Barker: Imprisonment, 1930, page 59).

Even in England which may be regarded as the home of prison reform flogging still prevails in jails as a disciplinary penalty. The Prison Act of 1898 remains so far the last deliberate decision of the English Legislature on the vexed question of corporal punishment in prisons. Previously to the Act, a sentence of corporal punishment could be awarded in convict prisons by one of the directors, and in local prisons by visiting Magistrates for any serious offence against prison discipline, and subject to no confirming authority. It is now strictly limited as a penalty for gross personal violence to prison Officers, and for mutiny, or incitement to mutiny, and then only in the case of prisoners convicted of felony, or sentenced to hard labour. A sentence can only be inflicted by a tribunal consisting of not less than three persons, two of whom must be Justices of peace, and the order of corporal punishment from such tribunal cannot be carried into effect until confirmed by the Secretary of State, to whom a copy of the notes of evidence and a report of the sentence, and of the grounds on which it was passed must be furnished. (Sir Evelyn Ruggles - Brise: The English Prison System, page 80.)

Vide extract from the Prisons Act 1898, Flag W.

Serial No.

Even the Criminal Justice Bill which was introduced in Parliament so late as 1938 proposed the abolition of corporal punishment as a judicial penalty and its retention as a method of dealing with certain prison offences. While Clause 32 of the Bill provided that no person shall be sentenced by a Court to corporal punishment, and that every enactment conferring a power on a Court to pass a sentence of corporal punishment shall cease to have effect, Clause 47 laid down that rules made by the Secretary of State for the regulation and management of prisons, Borstal institutions etc. may authorise the infliction of corporal punishment for mutiny, incitement to munity, or gross personal violence to an officer of the prison when committed by a male prisoner serving a sentence of imprisonment, corrective training or preventive detention.

The problem of corporal punishment was considered by the Indian Jails Committee in 1919-20. The Committee State that the evidence of the non-official witnesses who appeared before them showed that there was a considerable body of opinion among some sections of the public in India against the infliction of corporal punishment for prison offences, that this sentiment was based on general humanitarian grounds and on the feeling that flogging is a brutalizing

NOTE—Contn. Sheet.

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brutalizing method of punishment. The Committee observe that they have carefully considered whether it would be possible to recommend the entire abolition of corporal punishment, and that they were undoubtedly supported by the almost unanimous opinion of prison officers in all Provinces in concluding that this was impossible. The Committee felt very strongly that its use should be restricted within the narrowest possible limits and that it should be reserved for offences of special gravity, as is the case in England. They state that some of the most experienced witnesses expressed opinions adverse to the use of whipping for offences connected with labour and several of the non-official witnesses who had expressed views in favour of the entire abolition of corporal punishment in prisons agreed that there would be little objection to it if it was restricted to the gravest classes of offences. The Committee accordingly recommended first that the punishment of flogging shall only be inflicted for mutiny or incitement to mutiny and for serious assaults on any public servant or visitor, and secondly that a special report, based on the record required by Section 51 of the Prisons Act to be made in the Punishment Book, on every case in which flogging has been inflicted should be promptly submitted to the Inspector General

of

Serial No.

of Prisons. (Report of the Indian Jails Committee: Para 227)

These were adopted in British India, and it may perhaps be sufficient for the present to introduce these two measures of reform in Mysore. This would remedy the two defects noticed by the Prison Reforms Committee.

The Indian Jails Committee deal with some details regarding the infliction corporal punishment, - (Para 228) which are not noticed by our Prison Reforms Committee.

Firstly the British Indian Committee recommended that in order to prevent undue laceration of the skin, a piece of thin cotton cloth, soaked in some antiseptic solution, shall be spread over the buttocks of the prisoner during the infliction of the punishment. Rule 686 (3) of our Jail Manual provides for this.

Secondly the Indian Jails Committee recommended that the "drawing stroke" which is calculated to lacerate the flesh should be prohibited. Accordingly Rule 765(2) of the Madras Manual prohibits the drawing stroke. There is no such express prohibition in our Rules.

There are a few more details wherein our Rules differ from those in British India.

de extracts from the Madras Bengal Manuals Kago X and Gr.

NOTE—Contn. Sheet.

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(1) Our rules make no difference between a special class prisoner and an ordinary prisoner so far as the infliction of whipping is concerned, while in British India it cannot be inflicted on prisoners of A and B classes (political prisoners) without the sanction of Government.

(2) Whipping is to be inflicted in British India in the presence of the Superintendent and the Medical Officer. In Mysore the Superintendent's presence is not required, and the Medical Officer may be present if it is possible to secure his attendance at the time. (Rule 684).

(3) In Bengal no female or civil prisoner is liable to whipping as a punishment for a prison offence. No such exception is made of them either under the Mysore or the Madras Rules.

(4) The Mysore Rules do not limit the maximum number of stripes that may be inflicted at any one time. In British India the total number of stripes inflicted at any one time should not exceed thirty. If a prisoner is sentenced to thirty stripes in each of two cases disposed of at the same time, only thirty stripes are to be inflicted. If a prisoner, who has already received thirty stripes for one offence, is subsequently sentenced to a number of stripes for another

6749/P/41

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Prisons Reforms - re Corporal punishments

General and Revenue Secretariat | Rs. File No. | of 194 | [App. F. III—2

JUL 9 1942
No. 285

DEWAN'S OFFICE
11 JUL 1942
NO. 497

SECY. LAW DEPT.
15 JUNE 1942
GOVT OF MYSORE

Serial No.

another offence, there is nothing to prevent his being whipped again. In the case of juvenile offenders under the age of 16 years, sentenced to whipping by a Criminal Court, not more than 15 stripes are to be inflicted.

- Submitted for orders.
MRV 16/6

Law Secy.)

The S.G.P. agrees that flogging may be abolished for the reasons pronounced upon in para 24 of Ch V of the Report it may be abolished.

8-7-42
MRV 8/7

Minister for Jail Dept
&
Dewan

13/7/42

15-7-42
MRV 15/7

Draft G.O. submitted for consideration
MRV 18/7

Law Secy.)

SECY. LAW DEPT.
697
20 JULY 1942
GOVT OF MYSORE

NOTE—Contn. Sheet.

WD 04155—GPB—55,000—23-10-41

IV

Prison Reforms – Abolition of Corporal punishments

Pris File No. 2 of 1942

General and Revenue Secretariat.

Serial No.

May be approved

Chief Secretary to Govt
21-7-42

Minister for Law

21/7

Chief Secretary to Govt
22-7-42

Minister for Law 22/7

To,

The I.G. of Prisons,

No P 698 of 27.7.42.

Directs the abolition of flogging as a prison punishment.

The G.O. has expunged the provisions relating to corporal punishment in the Jail Manual; and prison authorities are precluded from resorting to this form of punishment for the commission of prison offences. Technically however corporal punishment as a penalty for prison offences still remains on the statute book, viz, the Prisons Act of 1870, sections 48, 49 and 50. The G.O. will be fully implemented when this Act is replaced by the Prisons Bill recommended by the Prisons Reforms Committee which makes no provision for the infliction of this form of

OFFICE OF THE Minister for LAW
JUL 21 1942
No. 743

6749/P.

Amending the Prisons Act in respect of the abolition of Corporal punishme

General and Revenue Secretariat

File No. 2 of 1942 [App. F. III—2

Serial No.

OFFICE OF THE MINISTER FOR LAW
AUG 2 1942
No 1123

punishment. This Bill may perhaps be taken up for consideration at the ensuing session of the Assembly.

JAW 1/8

Law Secy)

This will have to be done

Mover for leave

Leave granted

The Bill is already been twice on the Agenda. No further orders are necessary on the points. It will come up again for Consideration when the Agenda is prepared

5/8/42

JAW 1/8

NOTE—Contn. Sheet.

WD 04155—GPB—55,000—23-10-41

(1)

Proceedings of the Govt of His Highness the Maharaja. 14

Read: Recommendation No. 123 of the Prison Reforms Committee ~~regarding~~ regarding corporal punishment in jails and the views of the I. G. of Prisons thereon

Order No. P698 Dated 27.7.42
Pris 2-42-3

Under the Mysore jail system corporal punishment can be inflicted practically for any prison offences, provided only that the Supt bears in mind the injunctions contained in Rule 287 of the Jail Manual, that "as a general ~~rule~~ principle, whipping shall only be resorted to as a last ~~resort~~ resource, and when other means of punishment have been tried and failed" and that "except in specially grave cases, it should not be awarded for a first offence".

The Prison Reforms Committee has dealt with the problem of corporal punishment for prison offences in ~~Chapter~~ paragraphs 14 to 25 of Chapter V of their Report. The Committee has considered in detail the nature of the punishment and the psychological moral and deterrent effects of its infliction on the prisoners concerned as well as on the other inmates of the prison and the prison officials. ~~The Committee~~ Summing up the position, the Committee state that there is much evidence to suggest that flogging is a brutalising form of punishment; that there is reason to think that, far from acting as a deterrent, it acts as a contrary cause on the person flogged; that there are many instances of men once flogged committing similar offences

(2)

again; that, on the other hand, a reduction in its use in the past has been accompanied in other countries, not by an increase, but by a decrease in the offences for which it was formerly inflicted; that this decrease is largely due to the relaxation of rigid discipline, the improvement of relations between prisoners and the prison staff with the advent of a better type of officers, and a decided change of emphasis in prison regime from degradation and punishment to training and reformation.

The Committee state that it is futile to think of waiting patiently for a time to come when the character of the inmates of prisons will change sufficiently to allow of corporal punishment being dispensed with as a disciplinary penalty, and recommend that the best policy from all points of view is to abolish corporal punishment once for all, in full confidence that such a course can have none but beneficial results.

The S. G. of Prisons who was consulted is also in favour of the abolition of this form of punishment.

Govt agrees with the Committee and are pleased to direct the abolition of flogging as a prison punishment.

The following amendments shall accordingly be made in the rules in the Jail Manual:

1) Rules 286, 287, 288 and 289 shall be deleted.

2) The words "from whipping and "whipping" occurring in rules

322 and 654 respectively shall be deleted.

21-7-

18/7

Secy to Govt
Law Deptt

To,

The I.G. of Prisons.

Prisons Tabl

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Read:-

Recommendation No.123 of the Prison Reforms Committee regarding Corporal punishment in jails and the views of the Inspector General of Prisons thereon.

O R D E R NO.P. 698 Pris 2-42-3

Dated, Bangalore, the 27th July 1942.

Under the Mysore Jail system, corporal punishment can be inflicted practically for any prison offence, provided only that the Superintendent bears in mind the injunction contained in Rule 287 of the Jail Manual, that "as a general principle, whipping shall only be resorted to as a last resource, and when other me-ans of punishment have been tried and failed" and that "except in specially grave cases, it should not be awarded for a first offence".

The Prison Reforms Committee have dealt with the problem of corporal punishment for prison offences in paragraphs 14 to 25 of Chapter V of their Report. The Committee have considered in detail the nature of the punishment and the psychological, moral and deterrent effects of its infliction on the prisoner concerned as well as on the other inmates of the prison and the prison officials. Summening up the position, the Committee state that there is much evidence to suggest that flogging is a brutalising form of punishment; that there is reason to think that, far from acting as a deterrent, it acts in a contrary sense on the person flogged; that there are many instances of men once flogged committing similar offences again; that, on the other hand, a reduction in its use in the past has been accompanied in other countries, not by an increase, but by a decrease in the offences for which it was formerly inflicted; that this decrease

is largely due to the relaxation of rigid discipline, the improvement of relations between prisoners and the prison staff with the advent of a better type of officers, and a decided change of emphasis in prison regime from degradation and punishment to training and reformation.

The Committee state that it is futile to think of waiting patiently for a time to come when the character of the inmates of prisoners will change sufficiently to allow of corporal punishment being dispensed with as a disciplinary penalty, and recommend that the best policy from all points of view is to abolish corporal punishment once for all, in full confidence that such a course can have none but beneficial results.

The Inspector General of Prisons who was consulted is also in favour of the abolition of this form of punishment.

Government agree with the Committee and are pleased to direct the abolition of flogging as a prison punishment.

The following amendments shall accordingly be made in the rules in the Jail Manual:-

1. Rules 886, 887, 888 and 889 shall be deleted.
2. The words "from whipping" and "whipping" occurring in rules 382 and 654 respectively shall be deleted.

M. N. Narasaraja Rau
Secretary to Government,
Law Department.

To

The Inspector General of Prisons in Mysore.

Press Table.

KNNS.

Extract from the Inspector General of Prisons' opinion on the recommendation made by the Prison Reforms Committee:-

Recommendation:-

123. Corporal punishments for Jail offences should be abolished once for all.

Opinion of the Inspector General of Prisons:-

Flogging may be abolished.

Nov 1946

Extract from the Prisons Act 1898

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Section 5. ~~(5).~~ Restrictions on corporal punishment for prison offences.

(1) Prison rules shall not authorise the infliction of corporal punishment -

(a) except in the case of a prisoner under sentence of penal servitude, or convicted of felony, or sentenced to hard labour; nor

(b) except for mutiny or incitement to mutiny, or gross personal violence to an officer or servant of the prison; nor

(c) except by order of the board of visitors or visiting committee of the prison, after inquiry on oath held by them at a meeting specially summoned for the purpose, and consisting of not less than three persons, two of them being justices of the peace: Provided that the Secretary of State may, if he thinks fit, appoint a metropolitan Police Magistrate or stipendiary Magistrate to take the place of the board or committee, and the Magistrate shall in any such case have the same powers as the board or committee.

(2) An order under this section shall not be carried into effect until it has been confirmed by the Secretary of State, to whom a copy of the notes of evidence and a report of the sentence and of the grounds on which it was passed shall forthwith be furnished.

Such

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Such report shall be embodied in the annual report of the Prison Commissioners.

Extract from the Madras Jail Manual :-

302. When whipping is awarded as a prison punishment, it shall be carried out in accordance with Rule 765, but subject to the provisions of Section 50 (2) and (3) of the Prisons Act, 1894.

303. The infliction of whipping shall be confined to week days, provided that should any specially gross breach of discipline be committed, the Superintendent may, if he thinks it necessary, direct what whipping shall be inflicted immediately irrespective of the day of the week.

304. The punishment of whipping shall be inflicted only for mutiny or for conduct seriously affecting the discipline of the prison or for incitement thereto, for serious assaults on any public servant or visitor or after other punishments have failed for other offences of a specially grave nature. In awarding it, Superintendents should be guided by the previous conduct, antecedents and condition in life of the prisoner. When it is decided that whipping is necessary, the punishment should be sufficiently severe to act as a deterrent.

305. Whenever the punishment of whipping is awarded, a note shall be made in the Punishment Book, in addition to the entries required under Section 51 of the Prisons Act, 1894, stating the reasons for considering this kind of punishment necessary. In every case in which flogging is inflicted by the

Superintendent

Superintendent, a special report in Form No.16-A shall be submitted to the Inspector General of Prisons as soon as possible.

306. The admission to hospital of prisoners after whipping shall be avoided as far as is consistent with proper treatment, any ordinary laceration of the skin and surface tissues being treated while the convict is kept in a cell. If, in any case, actual illness, which is directly or indirectly the result of whipping, follows its infliction, a special report shall be made at once to the Inspector General.

× × × ×

765. (1). Every sentence of whipping carried out at a Jail shall be executed within the Jail enclosure, in the presence of the Superintendent and Medical Officer or Medical subordinate.

(2) Every whipping shall be inflicted on the buttocks with a rattan. A prisoner about to undergo a sentence of whipping shall be tied to a triangle, or be otherwise so secured that there may be no risk of the rattan falling on any part of the body other than the buttocks. The drawing stroke which is calculated to lacerate the flesh shall be prohibited.

(3) In the case of persons over the age of 16 years the rattan shall be half an inch in diameter and not less than three nor more than three and a half feet long; and in the

case

case of a person under the age of 16 years, the rattan shall be of a lighter description and not more than 3 feet long.

(4) During the infliction of a sentence of whipping, a piece of thin cloth soaked in antiseptic solution shall be applied over the buttocks.

(5) No whipping shall be carried out in instalments.

Note :- The antiseptic solution mentioned in Clause (4) is to consist of perchloride of mercury 1 in 2,000 of water, or carbolic acid 1 in 40 of water, and all cloths must be thoroughly washed and soaked in the solution before being again brought into use.

766. The total number of stripes inflicted at one time must not exceed thirty. If a prisoner is sentenced to thirty stripes in each of two cases disposed of at the same time, only thirty stripes shall be inflicted. If a prisoner, who has already received thirty stripes for one offence, is subsequently sentenced to a number of stripes for another offence, there is nothing to prevent his being whipped again.

Note :- In the case of a juvenile offender under the age of 16 years, sentenced to whipping by a Criminal Court, not more than 15 stripes are to be inflicted.

767. (1) A prisoner shall be whipped as soon as practicable after the fifteenth day from the date of sentence, or, when an appeal is presented, as soon as practicable after the confirmation of the sentence of whipping. If a prisoner for any reason is found to be un-fit for whipping , the

sentence

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sentence of whipping shall not be carried out. If a prisoner is not in a state of health to undergo the full number of stripes awarded he should be certified as un-fit to receive the whipping. In the case of two or more sentences of whipping awarded at the same time the maximum number of stripes not being awarded by the first sentence, the question of the prisoner's fitness to undergo the second or subsequent whipping should be considered after the infliction of the preceding one. If, during the execution of the sentence, the prisoner is found to be un-fit to undergo the remainder of the sentence, the whipping shall be finally stopped.

(2) In any case in which the execution of a sentence of whipping is, wholly or partially, prevented under the provisions of Section 394 of the Code of Criminal Procedure, the Superintendent shall at once report the fact to the Court which passed the sentence for orders under Section 395 of the Code and the Jailer shall enter the number and date of the letter on the prisoners History ticket.

768. A sentence of whipping shall not be inflicted on any of the authorized holidays for prisoners, and if the execution of such a sentence would otherwise fall on one of these days it shall be put off until the next day.

769. When a prisoner is sentenced to a period of imprisonment in one case and to another period of imprisonment, and to stripes in another case,

the

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the sentence of whipping in the second case should be carried out on the fifteenth day after the date of sentence, or on receipt of the order confirming the sentence on appeal, even though the execution of the sentence of imprisonment in the second case has to be postponed, under Section 397 of the Code of Criminal Procedure, until the sentence passed in the first case has been served.

770. The name and particulars of any criminal sentenced to whipping only, and sent to the Jail for the execution of the sentence, shall not be entered in any Jail Register or Return, but the Jailer shall record the fact of the execution of the whipping in his Report Book.

15/6

Extract from the Bengal Jail Manual:-

725. (1) The punishment of whipping shall be inflicted only for mutiny or for conduc seriously affecting the discipline of the prison, or for incitements thereto, or for serious assaults on any public servant or visitor, or after other punishments have failed, for other offences of a specially grave nature.

(2) The punishment of whipping shall not be inflicted on a prisoner who has been classified in Division I or Division II, or the question of whose classification is still under consideration, except with the permission of Government obtained through the Inspector General of Prisons, Bengal;

Provided that in any case not falling in either of these categories the District Magistrate may, if he thinks that circumstances demand it, refer the case to Government through the Inspector General of Prisons, Bengal, for prior orders.

(3) The number of stripes shall never be less than fifteen and must never exceed thirty. In cases in which the Medical Officer certifies that a prisoner is unable to bear fifteen stripes or more, or in which a smaller number of stripes would appear suitable, some other form of punishment should be adopted.

726.

27

726. No punishment of whipping shall be inflicted in instalments. Whipping shall be inflicted in the presence of the Superintendent and of the Medical Officer or Medical Subordinate with a light rattan half-an-inch in diameter upon the buttocks, over which shall previously be spread a thin cloth soaked in some antiseptic. In the case of prisoners under the age of 16 years, the whipping shall be inflicted likewise on the buttocks with a lighter rattan. No prisoner shall be punished with whipping within a week after any previous infliction of whipping, or until any sores caused by a previous whipping are entirely healed.

727. If, during the execution of a sentence of whipping, a Medical Officer certifies, or it appears to the Magistrate or Officer present, that the offender is not in a fit state of health to undergo the remainder of the sentence, the whipping shall be finally stopped.

728. When in any Jail the number of prisoners punished with whipping during a quarter exceeds 3 per cent of the daily average population for that quarter, a special report of each case must be made to the Inspector General, giving details

as

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as to the causes which led to the unusual increase in the number of corporal punishments.

729. Whenever any prisoner, who has been punished by whipping, is admitted to hospital for any illness caused either directly or indirectly by such whipping, the fact shall be reported to the Inspector General in Part V of the Quarterly Return No.I.

730. No female or civil prisoner shall be liable to any form of hand-cuffs or fetters or to whipping as a punishment for a prison offence.